IN THE HON'BLE HIGH COURT OF JUDICATURE AT CHHATTISGARH
AT BILASPUR

(3)

WRIT PETITION NO. 558/2001

PETITIONERS

1. M. Zahirulla Khan s/o Shri M.R.Khan aged 48 years, r/o L.I.G.-37, Indrawati Colony, Raipur (C.G.).

2. T.Kanta Rao s/o late T.Keshwan, aged 35 years, r/o Ayyappa Nagar, Bhilai, district Durg (C.G.).

vs.

RESPONDENTS :

1. State of Chhattisgarh through the Secretary, Department of Health & Family Welfare, D.K. Bhawan, Raipur (C.G.).

2. State of M.P. through the Secretary, Department of Health & Family Welfare, Vallabh Bhawan, Bhopal (M.P.).

3. The M.P.Board of Ayurvedic and Unani System of Medicine and Naturopathy, Bhopal (M.P.), through the Registrar, Shyamla Hills, Bhopal (M.P.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(33)

आदेश पत्रक

W.P. No. 558/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24/4/2001

Heard Mr. Prashant Mishra, learned counsel for the petitioner and Kum. Sharmila Singhai, learned PL for the State.

Mr. Prashant Mishra submits that the petitioner would be satisfied if the direction is issued to respondent at least to issue application form to the wtit petitioner so that the petitioner has a chance right to fill the application form for enrolment and the Competent Authority may examine on merit. This submission is made on the basis that the writ petitioner is, otherwise, qualified to be enrolled as Vaidya under the M.P. Ayurvedic Unani Tatha Prakratik Chikitsa Vyavsayi Adhiniyam, 1970.

Kum. Sharmila Sanghai, learned PL for the State submits that she should be allowed some time to obtain instructions. I am of the view that for the limited purpose of direction to be issued to the Competent Authority atleast to issue the application forms, no further instructions should be required though Kum. Singhai submitted that there must be some reason why while forms have been denied to the writ petitioner. It appears as to whether the fact of issuance of the Certificate after cut off date can be examined by the Competent Authority after forms are issued

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to him and the same ~~is~~ are duly submitted by the writ petitioner. I say this because according to the writ petitioner though Certificate was issued after cut off date, examinations ~~have~~ had been completed before the cut off date and petitioner had passed the examinations before 4/11/89.

All these aspects, in my view can be examined by the Competent Authority at the time of consideration. In the result, this petition is disposed of with the direction that the petitioner be given requisite form for enrolment and the same be examined on merit by the Competent Authority, keeping in view the judgment rendered by M.P. High Court in W.P. No.287/1990 decided on 6/5/1997. The petitioner should enclose a copy of that order with the form while submitting the forms for enrolment.

Certified copy today.

Sd/-
Chief Justice

rsnr

(RPRJ—ES/311—1/2001—50,000.